

RETURN DATE: December 22, 2015

DOCKET NO. CV	:	SUPERIOR COURT
PAUL LIONETTI	:	J.D. OF FAIRFIELD
V.	:	AT BRIDGEPORT
WESTERN CONNECTICUT STATE UNIVERSITY	:	November 17, 2015

COMPLAINT

PARTIES AND FACTS

1. The Plaintiff, Paul Lionetti, at all times relevant to this complaint, was a tuition-paying, full time undergraduate student at Western Connecticut State University and presently resides in the Town of Trumbull, County of Fairfield, and State of Connecticut.
2. The Defendant, Western Connecticut State University ("WCSU") is a public state university accredited by the Connecticut Board of Governors for Higher Education and receives federal educational grants and subsidies on a continuous and systematic basis and did so at all times relevant to this Complaint.
3. On September 9, 2015, after a hearing before the University Discipline Board, the Plaintiff was wrongfully found in violation of the University's Student

Code of Conduct and suspended from WCSU for one year with a loss of all corresponding privileges.

4. The allegations against the Plaintiff were “Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion” (Reg. 4); “Intimate partner violence” (Reg. 6; and “Behavior or activity which endangers the health, safety, or well-being of oneself or others” (Reg. 12).
5. The Plaintiff denied all of the allegations.
6. The allegations of misconduct were brought by the Plaintiff’s ex-girlfriend (“complainant”), who is also a student at WCSU.
7. Both the Plaintiff and the complainant were residential advisors for WCSU.
8. The Plaintiff and the complainant had broken off their relationship on or about August 21, 2015. On or about August 24, 2015 the complainant disclosed to a representative of WCSU that she does not feel safe around the Plaintiff and that he had been physically and emotionally abusive to her since the previous semester.
9. The complainant also alleged that the Plaintiff, inter alia, slapped her across the face while lying in bed on May 6, 2015.

10. On or about August 26, 2015 the complainant made a full verbal report to officials at WCSU.
11. Thereafter the Plaintiff received an undated letter from Charles J. Alexander, Director of Judicial Affairs, notifying him of the charges and the date of the hearing which was to take place on September 9, 2015.
12. The undated notice lists the incident date as 8/26/15 (date reported) and states the incident time as "varies" and the location as "various other locations".
13. This "notice" letter failed to provide the Plaintiff with any information concerning the charges levied against him, the factual basis for the charges or identifying the date or time of the alleged incident(s), or a description of the behavior that formed the basis of the charges against him.
14. Prior to the September 9, 2015 hearing the Plaintiff was given no information, orally or in writing, that could enable him to understand the charges being levied against him, so that he could properly prepare a defense to these charges.
15. The Plaintiff requested a review of the file documents prior to the September 9, 2015 hearing, as required by the Code of Conduct Hearing Procedures, but

was not provided said documentation until 20 minutes before the hearing on September 9, 2015.

16. Moreover, two (2) statements provided to WCSU in support of the complainant were received on September 8, 2015 at 11:12 p.m. and September 9, 2015 at approximately 12:36 a.m.
17. Plaintiff requested a continuance of the hearing on September 8, 2015 in light of the fact that he was unable to review the information contained in the WCSU file and properly prepare a defense to the allegations. Plaintiff was told that this “is not a court of law” and that the hearing would go forward as scheduled.
18. In addition, representatives of WCSU expressly discouraged the Plaintiff from obtaining counsel for the hearing and presenting certain testimony in his defense.
19. Plaintiff was not even afforded the opportunity to review the audio tapes of the hearing prior to the appeal being heard.
20. On September 25, 2015, after the appeal hearing the sanction was modified and the ban from WCSU was lifted. Plaintiff must request permission from the Dean of Student Affairs should he decide to return to WCSU. In addition

he must provide documentation from a licensed clinician/counselor that he is not a threat to himself or others. He is also to have no contact with the "victim".

21. Plaintiff has no desire to return to WCSU or have contact with the "victim".
22. Defendant has failed to offer even a modicum of fairness to the plaintiff concerning the allegations made against him so as to preclude any ability he might otherwise have had to respond to the allegations.
23. The findings of the judicial board precludes Plaintiff from attending any other institution of higher education, and its reflection as the disciplinary action in the university's record will harm the Plaintiff when he attempts to enroll at another institution of higher education.
24. The actions of WCSU as aforesaid did not comport with even the minimal and commonly understood actions that would be required for "fundamental fairness" and in fact deprived the Plaintiff of fundamental fairness and due process.
25. The actions of the defendant and its representatives as aforesaid have caused irreparable harm and continue to cause such harm to the Plaintiff for which there is no adequate remedy at law.

COUNT ONE (VIOLATION OF DUE PROCESS)

1. The Plaintiff incorporates herein the allegations contained in paragraphs 1-25 above as if fully set forth herein.

26. Amendment Fourteen of the United States Constitution guarantees the Plaintiff notice and opportunity to be heard prior to being denied the earned privilege of attending WCSU.

27. The Plaintiff's due process rights, as guaranteed by the United States Constitution were violated in one or more of the following ways:

a. By failing to follow their own established procedure in conducting disciplinary hearings;

b. By failing to allow the plaintiff to present evidence and witnesses in his favor at the disciplinary hearing;

c. By failing to disclose to the plaintiff, in advance of the hearing, the evidence and/or statements to be used against him at the disciplinary hearing;

d. By failing to set forth in any detail the factual charges so that the plaintiff could present a defense at the student conduct hearing;

e. By failing to reschedule the hearing in order to allow the plaintiff adequate opportunity to prepare a defense;

f. By failing to allow the plaintiff the opportunity to review the audio tapes of the September 9, 2015 hearing when preparing for the appeal;

g. By actively discouraging the plaintiff from obtaining counsel and from presenting evidence in his defense.

28. The defendants' actions caused the Plaintiff serious financial harm, including loss of tuition, room and board, and have prevented the plaintiff from continuing with and completing his degree program in a timely fashion as well as mental anguish, public embarrassment, and tarnished reputation in the community, all of which have prevented the Plaintiff from furthering his education.

COUNT TWO (VIOLATION OF CONNECTICUT CONSTITUTION)

1. The Plaintiff incorporates herein the allegations contained in paragraphs 1-28 of Count One as if fully set forth herein.

30. The conduct of the agents of WCSU as set forth above violated the Plaintiff's due process rights under Article I, Section 8 of the Connecticut Constitution.

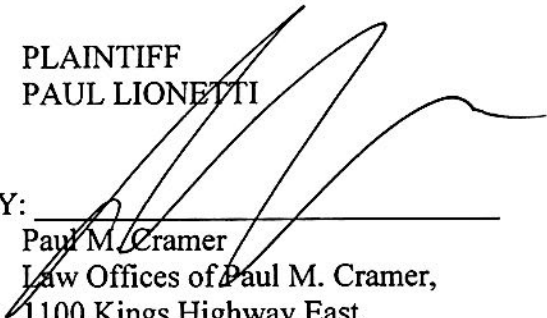
WHEREFORE, the plaintiff claims:

1. Judgment;
2. Compensatory damages;
3. Reasonable attorney's fees;
4. Interest;
5. Costs of suit;
6. An injunction requiring the removal of any and all adverse information contained in plaintiff's file;
7. An order requiring a new hearing before the University Judicial Board;
8. Any and all other such relief as in law or equity may pertain

Hereof fail not but of this writ, with your doings thereon, make due service and return according to law.

Dated at Fairfield, Connecticut this 17th day of November, 2015.

PLAINTIFF
PAUL LIONETTI

BY: 
Paul M. Cramer
Law Offices of Paul M. Cramer,
1100 Kings Highway East
Fairfield, CT 06825
Tel.: (203) 333-2116
Juris No.: 429623

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STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is in excess of \$15,000.00,
exclusive of interests and costs.

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